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February 25, 2022

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Via ECF

Honorable Valerie Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley, Square, Room 443
New York, New York 10007

MEMO ENDORSED

Re: **Claimant:** Jamil Khan
Case No.: 1:21-cv-00493-VEC
Date of Birth: xx/xx/xxxx
Social Security #: xxx-xx-xxxx
LSK&D #: 630-0125

Dear Honorable Judge Caproni:

I represent the defendants, MICHAEL L. WOODS and ESCOT BUS LINES LLC, in this matter.

Your Honor has scheduled this matter for trial on May 9, 2022. In reviewing my calendar I recently realized that I am scheduled to start a trial in state court on May 3, 2022. That case Gunsberg v Boro Park Operating Co. is pending in the Supreme Court Kings County under index number 511858/2015. It was previously scheduled for trial in April 2020 and obviously has been delayed by the pandemic. We received that May trial date at a conference on December 10, 2021.

In light of that conflict I would request a week's adjournment of the trial of this matter to May 16, 2022. There have been no previous requests for a trial adjournment. I have conferred with plaintiff's counsel Michael Krisfeld who indicated that his trial attorney has other matters scheduled later in the month and in June. If May 16 is not available, I am available in July except for the week of 10 or August except for the week of the 28th.

Respectfully Submitted,

s/Gerald Gunning

Gerald Gunning, Esq.

GG:mm

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LESTER SCHWAB KATZ & DWYER, LLP

February 25, 2022
Page 2

cc:

Via ECF

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Attorneys for Plaintiff

Defendants' request that the May 9, 2022 trial date be adjourned is GRANTED. The Court will re-schedule the trial and final pretrial conference in the coming weeks.

The Court reminds the parties that any motions *in limine*, including any *Daubert* motions, are due no later than **Friday, March 11, 2022**. Responses are due no later than **Friday, March 25, 2022**. The joint pretrial order, which must comply with the Undersigned's Individual Practices in Civil Cases, is due no later than **Friday, April 8, 2022**. Pre-marked trial exhibits, requests to charge, and proposed *voir dire* questions (with the *voir dire* questions focusing only on the particular facts of this dispute) are due no later than **Friday, April 8, 2022**. *See* Order, Dkt. 34.

Additionally, a joint update on the status of the settlement negotiations and the prospect for settlement of this case is due no later than **Monday, March 7, 2022**. Although the Court understands that the parties have engaged a mediator on their own, *see* Letter, Dkt. 35, if both parties want a settlement conference with Magistrate Judge Netburn, they may submit a joint letter requesting a referral at any time.

SO ORDERED.



Date: February 25, 2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE